

# SENATE NO. 2044

## AN ACT SMOKING IN MOTOR VEHICLES

*Be it enacted by the Senate and House of Representatives in General Court assembled,  
And by the authority of the same, as follows:*

1 SECTION 1. Notwithstanding any general or special law to the contrary, no child under the age of 16  
2 shall ride as a passenger in a motor vehicle in which the operator or other passenger is smoking  
3 cigarettes, cigars, pipes or any other tobacco product.

4 SECTION 2. The operator of a motor vehicle found to be in violation of this statute shall be subject to  
5 a fine of not more than \$50.00.

6 SECTION 3. A person who receives a citation for a violation of the provisions of this statute may  
7 contest such citation pursuant to Section 3 of Chapter 90C of the General Laws. A violation of this  
8 section shall not be deemed to be a conviction of a moving violation of the motor vehicle laws for the  
9 purpose of determining surcharges on motor vehicle premiums pursuant to Section 113B of Chapter  
10 175 of the General Laws.